

**MINUTES
BOARD OF APPEALS
Monday, October 16, 2017
City Hall, Room 604
5:30 p.m.**

*****For more detailed information regarding the meeting, please refer to the audio recording on our website at <http://greenbaywi.gov/event/board-of-appeals-meeting-42/> and follow the time stamp listed on each item.***

MEMBERS PRESENT: Don Carlson–Chair, Greg Babcock – Vice-Chair, Thomas Hoy, and Noel Halvorsen

MEMBERS EXCUSED: Tommy Everman

OTHERS PRESENT: Paul Neumeyer, Ald. Andy Nicholson, Karen Guns, Kevin Guns, Michael Heim, Linda Heim, Scott Puyleart, Mike Vanded Avond, Jim Stumo, Aletta Stumo, Joel Ehrfurth, and Steve Klessig

D. Carlson called the meeting to order and asked if anyone needed to abstain from voting. All stated no. He then asked if anyone had gone out to the properties. T. Hoy went to all properties, D. Carlson went by the property for item 1 and all others stated no. He then asked if any Members had spoken to anyone regarding the variance requests. All stated no.

APPROVAL OF MINUTES:

Approval of the September 18, 2017, minutes of the Board of Appeals. (0:01:09)

A motion was made by T. Hoy and seconded by N. Halvorsen to approve the minutes from the September 18, 2017, minutes of the Board of Appeals meeting. Motion carried. (4-0)

OLD BUSINESS:

1. Karen & Kevin Guns, property owners, propose to retain an existing expanded driveway in a Low Density Residential (R1) District at 918-920 Edgewood Drive. The applicants request to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1709(b)(1), setback residential driveways. (Ald. A. Nicholson, District 3) (0:01:27)

Karen and Kevin Guns – 5359 Cty Rd X, De Pere: Karen Guns presented to Board members their request for the widening of a driveway at 918-920 Edgewood Drive. Karen Guns stated the work is already done and it was done without a permit. She assumed the contractor was getting the permit for the work. While replacing the driveway they decided to widen the driveway because the garages are single stalls and there is no parking on one side of Edgewood Drive. She also pointed out that there are 18 duplexes on the street with about a dozen having the same configuration as they do.

D. Carlson clarified with the Guns' as to the reason for the expansion of the driveway. A conversation continued between Board members and the applicants. Information included the parking on Edgewood Drive.

Ald. A. Nicholson stated that he does not support this request. He stated the area is very dense and he is trying to keep it uniform and in accordance with City ordinances. He asked what the hardship would be for this request and why people don't use their garages. D. Carlson asked if he is taking action against the other duplexes in the area with the same configuration. Ald. A. Nicholson stated yes. He also stated that Inspector Tim Meves, City of Green Bay, gave orders to remove the driveway addition.

Scott Puyleart, Puyleart Construction, asked D. Carlson about using gravel to extend a driveway to park on. P. Neumeyer stated no, that it has to be a solid surface.

A discussion ensued between Board members and P. Neumeyer regarding driveway issues with dwellings with one stall garages. At this point Board members do not see a hardship for this request. Additional information discussed included the catalyst for this request and how complaints are handled.

A conversation then took place between Ald. A. Nicholson and the applicants. Kevin Guns tried to explain the reasons they need to have the expansion of the driveway. Again, Ald. A. Nicholson asked why they cannot use the garages to park.

T. Hoy did bring up the safety issue and having vehicles blocking the entrance to a front door. Board members all agreed that the ordinance should be upheld.

A motion was made by T. Hoy and seconded by N. Halvorsen to deny the variance as requested. Motion carried. (4-0)

NEW BUSINESS:

2. Michael & Linda Heim, property owners, propose to install a parking area within the front setback in a Low Density Residential (R1) District at 2771 Nicolet Drive. The applicants request to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-1709(a), front yard setback and Section 13-1705, maximum driveway width. (Ald. B. Dorff, District 1) (0:26:38)

Michael and Linda Heim – 2771 Nicolet Drive: M. Heim presented their variance request to Board members. He gave a brief history of the property and issues with the driveway. He described to Board members their intentions and that the current driveway is a safety issue due the pitch of the driveway.

A discussion ensued between Board members. Information included the slope of the lots, greenspace, safety issues and surrounding properties.

A motion was made by G. Babcock and seconded by T. Hoy to approve the variance as requested. Motion carried. (4-0)

3. Michael Vanden Avond, property owner, proposes to install a driveway in a Low Density Residential (R1) District at 2885 Durham Road. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-1705, maximum driveway width and Section 13-1705(a), maximum width of a driveway. (Ald. B. Dorff, District 1) (0:33:37)

Scott Puyleart, Puyleart Construction: S. Puyleart is the builder for this project. He presented information to Board members regarding the variance request. They would like to expand the driveway by 2 ft. to add a "decorative trim" on either side of the driveway. This will put them over

the maximum allowed for the width of a driveway. He stated there are other driveways in the area that are wider than what is allowed. The concrete has already been poured and they are asking if they can leave it as is. D. Carlson asked who is responsible for the error of the concrete. S. Puyleart stated it would be the concrete company.

A conversation ensued between the applicants and Board members. Information included clarification of the variance, the “decorative trim”, surrounding properties, setbacks for three stall garages, the concrete contractor, site plan for the new home and hardships.

A motion was made by G. Babcock and seconded by T. Hoy to deny the variance as requested. Motion carried. (4-0)

4. James Stumo, property owner, proposes to construct a detached garage on the same footprint as a former garage in a Low Density Residential (R1) District at 338 South Clay Street. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-615, Table 6-4 side and rear yard setback. (Ald. R. Scannell, District 7) (0:43:37)

James and Aletta Stumo – 338 S. Clay Street: J. Stumo presented to Board members his request for a variance. He stated that the old garage had to be razed due to it being a safety hazard. They want to replace the garage, but were told they could not as they were too close to the rear and side yard property lines. They want to build a new garage with the same footprint as the old garage. They did try to acquire land from an adjacent property owner; however, were unable to due to foreclosure of that particular property.

A conversation then ensued between Board members.

A motion was made by N. Halvorsen and seconded by T. Hoy to approve the variance as requested. Motion carried. (4-0)

5. Joel Ehrfurth, Mach IV Engineering & Surveying, LLC, on behalf of Daniel Schmidt, property owner, proposes to expand an existing attached garage in a Low Density Residential (R1) District at 3065 Sitka Street. The applicants request to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-615(b)(2) size of the accessory use and Section 13-521(a)(1), fence height. (Ald. R. Scannell, District 7) (0:50:38)

Joel Ehrfurth – Mach IV Engineering and Steve Klessig – Keller Inc.: J. Ehrfurth presented to Board members the variance request for the Sitka Street property. J. Ehrfurth gave a brief history of the property and updates and additions done thus far. The applicant wants to construct an 8,200 sq. ft. accessory use for a garage for his car collection. The second variance they are requesting is a 10 ft. high fence/wall to go around the pool area for additional privacy. The maximum height for a fence around a pool is 8 ft. Other information discussed included the size of the parcel, accessory total land use, the design of the house, and fencing materials.

A discussion ensued between Board members, J. Ehrfurth and S. Klessig. This information included past variances, the reason for the variances, the position of the 10 ft. fence, safety issues and future additions. P. Neumeyer then asked if construction for the indoor pool started. S. Klessig stated no, as there have been delays. P. Neumeyer reminded the Board that that earlier this year a variance had been granted to exceed the accessory use square footage for the construction of an indoor pool. And that this variance is for an additional 8,200 sq. ft. for a

garage. A conversation continued regarding the construction of the pool and the delay and the specs for the potential garage.

A conversation then ensued between Board members and P. Neumeyer. N. Halvorsen asked why this wasn't brought forward as a Planned Unit Development (PUD) through the Plan Commission instead of a variance as he does not see a hardship for the request. P. Neumeyer explained the purpose of the PUD. G. Babcock does disagree and sees the privacy issue as a hardship and does not have an issue with the request. D. Carlson stated he too is OK with the request. T. Hoy stated he is concerned about the height of the fence.

S. Klessig then asked that the two variances be separated as they are not connected. D. Carlson stated that they can do that.

The conversation continued between Board members that this should be a Plan Commission issue and not be in front of the Board of Appeals.

A motion was made by G. Babcock and seconded by D. Carlson to grant the variance for the additional accessory structure. Motion denied. (Ayes: D. Carlson and G. Babcock) (Noes: N. Halvorsen and T. Hoy)

A motion was made by G. Babcock and seconded by D. Carlson to grant the variance for the 10 ft. wall. Motion denied. (Ayes: D. Carlson and G. Babcock) (Noes: N. Halvorsen and T. Hoy)

A motion was made by G. Babcock and seconded by T. Hoy to adjourn the meeting. Motion carried. (4-0)

Meeting adjourned at 6:55 p.m.